

# Calendar No. 98

82D CONGRESS }  
1st Session }

SENATE

{ REPORT  
No. 100 }

## WILLIAM GREVILLE BIRKETT

FEBRUARY 19 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany S. 695]

The Committee on the Judiciary, to which was referred the bill (S. 695) for the relief of William Greville Birkett, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The bill exempts the beneficiary from certain exclusion provisions of the immigration law so that he may be lawfully admitted into the United States for permanent residence upon compliance with the other provisions of the immigration laws and thereby join his wife, who is a resident of Connecticut.

#### STATEMENT OF FACTS

The beneficiary of the bill is a 70-year-old native of England and citizen of Canada who has been temporarily admitted into the United States. He is inadmissible for permanent residence because he admits the commission of certain offenses, which appear in greater detail in the following quoted letter, dated November 16, 1950, addressed to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to S. 3737, which was a bill introduced in the Eighty-first Congress for the relief of the same alien.

NOVEMBER 16, 1950.

HON. PAT MCCARRAN,  
*Chairman, Committee on the Judiciary,*  
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 3737) for the relief of William Greville Birkett, an alien.

The bill would provide that William Greville Birkett shall be considered to have been lawfully admitted to the United States for permanent residence as of the date of his last entry, upon payment of the required visa fee and head tax. It would also direct the Secretary of State to instruct the quota-control officer to deduct one number from the nonpreference category of the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that William Greville Birkett is a citizen of Canada and a native of England, having been born in Stockton-on-Tees, Durham, England, on March 3, 1880. He last entered the United States at the port of Highgate Springs, Vt., on August 11, 1950, when he was admitted under section 3 (2) of the Immigration Act of 1924 for a period to expire on September 8, 1950. Temporary admission was granted him under the authority contained in the ninth proviso to section 3 of the Immigration Act of February 5, 1917, for one visit not to exceed 6 months, all other visits not to exceed 29 days, if he was not found inadmissible on grounds other than as one who admitted the commission of crimes involving moral turpitude, namely, bigamy and obtaining money under false pretenses on three occasions; and as one who has been convicted of a crime involving moral turpitude, namely, obtaining money under false pretenses on three occasions. The alien was granted an extension of his temporary stay for a period of 6 months on October 4, 1950.

The files further reflect that Mr. Birkett first entered the United States at the port of Philadelphia, Pa., on April 23, 1913, claiming to have traveled in possession of a ticket in the name of James Sadler. On September 27, 1934, a warrant of deportation issued against him on the ground that he was in the United States in violation of the Immigration Act of 1924, in that at the time of his entry he was not in possession of an unexpired immigration visa, and on the additional ground that he was in the United States in violation of the act of 1917, in that he had been convicted of and admitted having committed a felony or other crime or misdemeanor involving moral turpitude prior to entry, namely, bigamy, false pretenses, and obtaining money under false pretenses. He was deported to England on November 24, 1934. At the hearing granted him under the deportation proceedings, he testified that bankruptcy proceedings had been instituted against him in England and that he had not been discharged, that in August 1914 he proceeded to Canada, where he enlisted in the armed forces of the Dominion, remaining until April 1915, when he returned to this country through the port of Buffalo, N. Y. He stated that thereafter he resided in this country except for short trips to Canada and Mexico, his last entry before he was deported occurring on August 12, 1934, at Swanton, Vt. Mr. Birkett testified that he was married in England in 1907 and that he has one son born of this marriage. On November 13, 1933, he was married in New York City to a citizen of the United States, his previous marriage not having been terminated. He admitted that he was convicted on charges of false pretenses several times between 1910 and 1917. The record indicates that he obtained a divorce from his first wife in 1938 and that he married his present wife again on April 8, 1939, in Montreal, Canada.

The alien's wife resides in Clinton, Conn., where she owns real estate which provides means for their support. Mr. Birkett advised that he is now unemployed, that he was employed for 13 years in the procurement department of the Canadian Air Force in Ottawa, Canada, and that his employment was terminated in September 1949 because of lack of appropriations. In connection with his appeal from an excluding decision of a board of special inquiry in 1947, it was established that he had effected a rehabilitation, and it was ordered that he be admitted for visits not to exceed 29 days in duration over a period of 1 year under the ninth proviso above mentioned. Orders granting similar relief were entered in September 1948 and November 1949.

The quota for Great Britain, to which the alien is chargeable, is not oversubscribed at the present time. He is inadmissible to the United States, however, under the provisions of section 3 of the Immigration Act of 1917 as one who admits the commission of crimes involving moral turpitude and as one who has been con-

victed of such crimes. In the absence of special or general legislation he cannot be permitted to enter this country for permanent residence.

Whether under all of the circumstances of this case the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation.

Yours sincerely,

PEYTON FORD,  
*Deputy Attorney General.*

It is the information of the committee that the beneficiary has been completely rehabilitated and if admitted for permanent residence would be a worthy citizen.

Senator Brien McMahon, the sponsor of the bill, has submitted additional information to the committee, as follows:

GRAY-ROCKS,  
*Clinton, Conn., July 13, 1950.*

HON. BRIEN MCMAHON,  
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: According to your letter of July 10 I am forwarding the following data requested by the Judiciary Committee:

1. Entered the United States as an immigrant in 1913.

2. As a resident in Canada he was employed by the Canadian national defense in an executive position, having become a Canadian citizen. In his file are letters of splendid recommendation from a member of Parliament and others praising his work and ability during the war where he was employed in aircraft production and procurement.

3. He cannot be gainfully employed in the United States while on a visitor's permit. I am financially independent. My income is derived from real-estate properties in New York City which are free of mortgage. I also own my residence and 55 acres of land in Connecticut.

4. He is positively a would-be loyal United States citizen. He never has been employed in any activities injurious to the American public interest. Note the report in his file on information he gave in Canada relative to Communists who wanted to enter the United States. I feel that his information in the above matter to our United States Government is outstanding and should deserve every consideration. Also see the report from the chief of police in Long Branch, Toronto, which is very praiseworthy.

5. Petty offense in Connecticut in 1917. False pretenses.

Yours sincerely,

ANTOINETTE PELLNEN BIRKETT.

The bill, as originally introduced in the Eighty-first Congress, granted the status of permanent residence to the beneficiary as of the date of his last entry into the United States.

During the consideration of that bill by the committee, however, it was felt that the facts did not warrant the enactment of the bill as it was originally introduced and accordingly the bill was amended so as to exempt the beneficiary from certain exclusion provisions of the immigration laws. The present bill has been re-introduced in the form in which it was reported favorably by the committee in the Eighty-first Congress. If the bill is enacted the beneficiary would be required to depart from the United States and make application for an immigration visa, at which time he would be required to meet all of the other requirements of the immigration laws.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 695) should be enacted.

